



DEPARTMENT OF HEALTH & HUMAN SERVICES

.m799N

Public Health Service

4/28/97

Food and Drug Administration  
7200 Lake Ellenor Drive  
Orlando, FL 32809

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Ref: FDA Sample No. 3109413  
Customs Entry No. AE2-0014028-1  
Product: Fresh Herbs and Lettuce

**WARNING LETTER**

FLA-97-34

April 4, 1997

Javier Garica, Supervisor  
Herbs Unlimited  
d/b/a Rock Garden South  
7230 N.W. 33rd Street  
Miami, Florida 33122

Dear Mr. Garica:

The Food and Drug Administration (FDA) attempted to examine a shipment of fresh herbs and lettuce offered for entry into the United States by your firm on February 6, 1997, under the above referenced entry number, and found that the shipment was not held intact for FDA examination. Regulation, Title 21, Code of Federal Regulations (CFR), Part 1.90 requires the importer to hold an entry intact pending receipt of a "May Proceed Notice" or "Release Notice" from FDA. We have requested the U. S. Customs Service (Customs) to order redelivery of this shipment (copy enclosed).

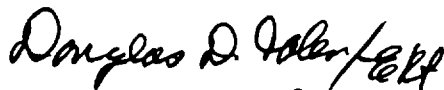
Failure to promptly correct this violation and prevent future violations may result in regulatory action without further notice such as seizure, injunction, or automatic detention of future shipments. It is your responsibility, as the importer, to ensure that imported products meet all requirements of the Federal Food, Drug, and Cosmetic Act and the regulations promulgated thereunder.

We request a response in writing within fifteen (15) working days of receipt of this letter of the specific steps you have taken to correct the violation, including an explanation of each step being taken to prevent the recurrence of the violation.

Mr. Javier Garica  
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Your written reply should be directed to the Food and Drug Administration, Attention: Paul R. Bagdikian, Compliance Officer, P. O. Box 59-2256, Miami, Florida 33159-2256.

Sincerely,



Douglas D. Tolen  
Director, Florida District

Enclosure

cc: Edwin Acevedo  
d/b/a Ace Customhouse Broker  
1480 N.W. 96th Avenue  
Miami, Florida 33172